

***United States Court of Appeals  
for the Second Circuit***



**BRIEF FOR  
APPELLEE**



76-7352

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

HARRY CONGDON, LOUIS CONGDON, JANET  
CONGDON AND LOUIS CONGDON CHURCHILL,  
KEVIN LEBOVITZ AND KEVIN LEBOVITZ JR.  
AND ROXANNE LEBOVITZ, by their father,  
next friend and natural guardian,  
Kevin Lebovitz,

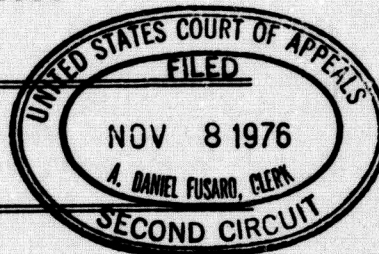
Plaintiffs-Appellants,

VS.

L. PATRICK GRAY, III, et al

Defendants-Appellees

DOCKET NO. 76-7353



BRIEF OF DEFENDANT-APPELLEE  
JOHN ELLSWORTH

By: Thomas J. Groark, Jr., Esq.  
of the firm of:  
Day, Berry & Howard  
One Constitution Plaza  
Hartford, Connecticut 06103



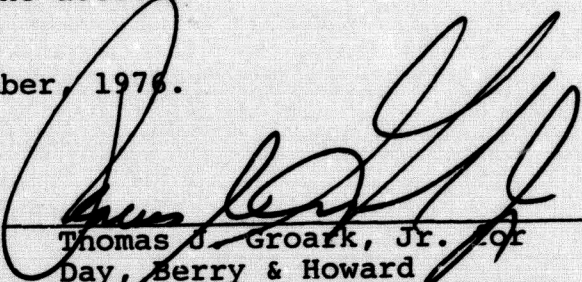
STATEMENT OF THE CASE

John Ellsworth is an attorney licensed to practice law in the State of Connecticut. The plaintiffs allegedly sought his advice in 1967 regarding a civil matter and were not satisfied with his advice. (Complaint, paragraphs 4E and 4K.) The plaintiffs further allege that the failure of Ellsworth to give proper advice constitutes a federal wrong.

The Court dismissed the action against Ellsworth for the reason that his actions were not state actions within the meaning of 42 U.S.C. §1983. The Court's reasoning is clear and correct and this defendant can add nothing further.

The appellee Ellsworth respectfully requests the Court to affirm the judgment dismissing the action.

Dated this 5th day of November, 1976.



Thomas J. Groark, Jr. for  
Day, Berry & Howard  
One Constitution Plaza  
Hartford, Connecticut 06103

CERTIFICATION

This is to certify that copies of the foregoing have this day been mailed, postage prepared, to Ms. Nadine Monroe, 16 Morgan Street, New London, Connecticut 06320.



Thomas J. Groark, Jr. for  
Day, Berry & Howard



